

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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YEHUDA KATZ,	:
Individually and on behalf of a class,	:
	:
Plaintiff,	:
	:
-against-	:
	:
ABP CORPORATION and DOES 1-10,	:
	:
Defendants.	:
-----X	

Case No. 12 Civ. 4173 (ENV)(RER)

**PLAINTIFF YEHUDA KATZ'S MOTION TO FILE SUPPLEMENTAL AUTHORITY  
IN SUPPORT OF ITS MEMORANDUM OF LAW IN OPPOSITION TO DEFENDANT  
ABP CORPORATION'S MOTION TO DISMISS FIRST AMENDED COMPLAINT**

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**Served on May 29, 2013**

Plaintiff Yehuda Katz (“Plaintiff”), by and through his undersigned counsel, respectfully submits this motion to file additional authority in further support of its opposition to Defendant ABP Corporation (“Defendant”)’s Motion to Dismiss Plaintiff’s First Amended Complaint pursuant to Federal Rule of Civil Procedure 12(b)(6).

Plaintiff filed its Memorandum of Law in Opposition to Plaintiff’s Motion to Dismiss (Doc. 22) on February 27, 2013. Plaintiff recently discovered additional authority concerning the question of pleading willfulness in a complaint alleging violation of the Fair and Accurate Credit Transactions Act (“FACTA”). This is the precise issue before this Court as argued in Defendant’s Motion to Dismiss. Accordingly, Plaintiff moves this Court to accept additional authority on this issue in the form of a letter to the Court and supporting exhibits.

Respectfully submitted,  
SPENCER FANE BRITT & BROWNE LLP

*/s Brian J. Christensen*

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